



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MAR 19 2007

VIA FIRST CLASS MAIL

Cleta Mitchell, Esq.
Foley & Lardner, LLP
3000 K Street NW, Suite 500
Washington, DC 20007

RE: MUR 5780
Santorum Victory Committee and
Keith Davis, in his official capacity
as treasurer

Dear Ms. Mitchell:

On August 8, 2006, the Federal Election Commission notified your client, the Santorum Victory Committee and Keith Davis, in his official capacity as treasurer, of a complaint alleging violations of the Federal Election Campaign Act of 1971, as amended.

On March 6, 2007, the Commission found, on the basis of the information in the complaint, and information provided by your client, that there is no reason to believe the Santorum Victory Committee and Keith Davis, in his official capacity as treasurer violated 11 C.F.R. § 102.17(c)(2). Accordingly, the Commission closed its file in this matter, as it pertains to the Santorum Victory Committee and Keith Davis, in his official capacity as treasurer. The Factual and Legal Analysis, which more fully explains the Commission's finding, is enclosed.

The Commission reminds you that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) remain in effect, and that this matter is still open with respect to other respondents. The Commission will notify you when the entire file has been closed. If you have any questions, please contact Kate Belinski, the attorney assigned to this matter at (202) 694-1650.

Sincerely,

Thomasenia P. Duncan
Acting General Counsel

BY: Rhonda J. Vosdingh
Associate General Counsel
for Enforcement

Enclosure
Factual and Legal Analysis

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Santorum Victory Committee and
Keith Davis, in his official
capacity as treasurer

MUR: 5780

I. INTRODUCTION

This matter was generated by a complaint filed with the Federal Election Commission by William R. Caroselli. See 2 U.S.C. § 437g(a)(1). The complaint asserts that the Santorum Victory Committee, a joint fundraising committee of Santorum 2006 and the Republican State Committee of Pennsylvania, failed to include the appropriate joint fundraising notices on a solicitation sent out in June 2006. See 11 C.F.R. § 102.17(c)(2).

II. FACTUAL AND LEGAL ANALYSIS

On May 8, 2006, the Santorum Victory Committee, a registered joint fundraising committee of Santorum 2006 and the Republican State Committee of Pennsylvania, sent out a solicitation for a June 13, 2006 breakfast featuring First Lady Laura Bush. The invitation "cordially invite[d]" the recipients to join Senator Santorum in welcoming First Lady Laura Bush at the breakfast reception. The invitation was forwarded with a personal letter from Senator Santorum asking "each Chairman to raise or give \$10,000." Included with the invitation was a reply card, as well as a separate two-sided card that contained a joint fundraising notice and contribution guidelines on one side, and an alternate allocation form on the other side. The joint fundraising notice contained a formula specifying how contributions to the Santorum Victory Committee would be allocated, but indicating that

[D]onor(s) may designate contributions in different amount(s) or to a specific Participant(s) and such earmarked contributions will be

allocated to the Participant(s) in the amount(s) specified by the donor, provided no contribution may exceed the contribution limits under federal law. The allocation formula may change if any contributor makes a contribution that would exceed the amount he or she may lawfully give to any participant.

The complaint alleges that the Santorum Victory Committee failed to include the appropriate joint fundraising disclaimers required under 11 C.F.R. § 102.17(c)(2) on the June 2006 fundraising event invitation. Respondents claim that the invitations included all of the requisite disclaimers for joint fundraising solicitations.

A joint fundraising solicitation must include an allocation formula and a statement informing contributors that they may designate an alternate allocation, and inform contributors that the allocation formula may change subject to contribution limits. 11 C.F.R. § 102.17(c)(2)(i)(B)-(D). Additionally, 11 C.F.R. § 102.17(c)(2)(ii)(B) requires that if one participating political committee can accept contributions that another participating political committee is prohibited from accepting, the solicitations must include a statement informing contributors that contributions from prohibited sources are only allocated to participants who can accept them.

A review of the invitation at issue reveals that it included all of the requisite disclaimers for joint fundraising solicitations. As detailed above, the solicitation package included a separate card, the front side of which includes a proper joint fundraising allocation notice, as well as notices which satisfy all of the requirements of 11 C.F.R. § 102.17(c)(2)(i)(B)-(D).

Furthermore, under Pennsylvania law, state political committees such as the RFCP are prohibited from accepting contributions from corporations, unincorporated associations (including labor unions) and banks. Thus, because neither Santorum 2006 nor the RFCP could accept contributions that the other was prohibited from accepting, the Santorum Victory

Factual and Legal Analysis

Committee did not need to include a statement informing contributors that contributions from prohibited sources are only allocated to participants who can accept them, as required by 11 C.F.R. § 102.17(c)(2)(ii)(B). As a result, it appears that the Santorum Victory Committee's June 2006 solicitation complied with all of the requirements of the Act's corresponding regulations. Therefore, there is no reason to believe that the Santorum Victory Committee and Keith Davis, in his official capacity as treasurer, violated 11 C.F.R. § 102.17(c)(2).

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